

# THE PORTSMOUTH INQUIRER.

Published by Cleveland & Pearce.

LIBERTY, EQUALITY, PROGRESSION.

Office, on Market Street.

VOLUME III.

PORTSMOUTH, O., MONDAY EVENING, JULY 1, 1850.

NUMBER 13.

## BUSINESS CARDS.

### Blanks! Blanks!!

An assortment of blanks of various kinds such as Warrants, Quit-Claims and Mortgages Deeds, Subpoenas, Summons, Executions Attachments, and other Justice's blanks, constantly on hand at this office.

### BANKING OFFICE

**KINNEY & TRACY**  
KINNEY & TRACY have opened an office for discount and deposits, on Front street, four doors below the U. S. Hotel. Interest allowed on deposits, payable on demand. Gold, silver and uncurrent notes bought and sold. Office hours from 8 A. M. till 5 P. M.  
May 13, 1850.

### EXCHANGE OFFICE.

East side of Market, one door from Front street  
**DUGAN & MACKOY,**  
Exchange Brokers,  
LOAN money collect notes and drafts, buy and sell Bank Notes, Gold and Silver, receive money on deposit allowing interest on the same, payable on demand.  
January 9, 1849.—n40.

**SUMS OF MONEY**  
LARGE and small, transmitted at all times, to any part of England, Ireland, or Scotland.  
**DUGAN & MACKOY,**  
Exchange Brokers,  
East side of Market, one door from Front st. Portsmouth, O., Oct. 17, '49.—234f.

**New Hat and Cap MANUFACTORY!**  
WHOLESALE AND RETAIL,  
ONE DOOR WEST OF THE FRANKLIN HOUSE  
Portsmouth, Ohio

**S. R. ROSS,**  
WHOLESALE GROCER,  
COMMISSION  
AND  
PRODUCE MERCHANT,  
AND  
Forwarder,  
FRONT ST., PORTSMOUTH OHIO

A full and complete assortment of Tea Sugars, Wines, Liquors, Nails, Iron, Coffee Molasses, Powder, Cordage, &c., always on hand, at Eastern Wholesale prices.  
Particular attention given to orders  
Portsmouth, May 8, 1848. tf.

**F. J. OAKES** **A. W. BUSKIRK**  
**OAKES & BUSKIRK,**  
WHOLESALE GROCERS,  
Dealers in  
Rectified, Whiskey, Foreign  
AND  
Domestic Liquors.  
NO. 6,  
Front Street, Portsmouth, Ohio.

We hope by strict attention to business and due observance of the wants of our customers, and the public generally, to receive continuance of that liberal patronage heretofore extended to the old firm, for which we are very much obliged.  
January 2, 1849.—n39

### A. A. R. D.

As the cessation of sickness and the completion of the bridge across the Scioto, indicate revival of business, the Proprietor of the **FRANKLIN HOUSE**, has made arrangements to supply the increasing wants of the travelling public. The abundance of the markets will enable him, at all times, to keep his table well supplied, and those who patronize him may rely upon being well accommodated at the most reasonable rates.  
A few more steady boarders, with or without lodging, will find it for their interest to make the Franklin House their home.  
R. MONTGOMERY, Proprietor.  
Portsmouth, Aug. 21, 1849.—20wtf.

### WILLIAM McCOMB,

MANUFACTURER OF  
Silk, Beaver, Brush and Tampico Hats.  
One door west of the corner of Court and Second streets.

### Summer Hats.

THE subscriber now has on hand and is finishing a superior quality of Hats of the latest styles and of every variety adapted to the season. Also,  
Children's Hats and Caps,  
of every beautiful form & now on hand, all of which will be sold singly or by the dozen, on terms which cannot fail to be satisfactory.  
R. WOLFARD,  
Front street, Portsmouth, April 29, '50

### R. LLOYD,

Wholesale and Retail Dealer in  
Boots, Shoes, Hats, Caps, Leather and Shoe Findings.  
I AM now receiving my Spring Stock of Boots, Shoes, Hats, Caps, Leather and Shoe Findings, together with a large and beautiful assortment of Carpet Bags and Satchels, which were selected with great care.  
Persons wishing any of the above articles, will find it to their interest to give me a call, as I am determined to sell at the same prices as can be bought west of the Mountains.  
**RICHARD LLOYD,**  
Shoe of the Run Run Boot,  
Portsmouth, March 19, 1850.—50.

**ALWAYS on hand S. P. FLOUR, No. 1 and 2.**  
C. A. M. DAMIRN,  
December 10, 1849. —6

## Business Directory

**GROCERS & PRODUCE DEALERS:**  
S. R. Ross,  
Front street, 5 doors below Market.  
Oakes & Buskirk,  
No. 6, Front street, above Market.

**COMMISSION AND FORWARDING MERCHANTS & GROCERS.**  
Davis & Smith,  
East side of Market street.  
McDowell & Co.,  
Corner of Front and Market streets.

**PHYSICIANS.**  
Dr. J. M. Shackelford,  
Residence on Fourth above Court.  
Dr. Wm. McDowell,  
Office on Front, 3 doors above Market.

**ATTORNEYS AT LAW.**  
Edward W. Johnson,  
Market Street, next door to the Bank.  
W. A. Hutchins,  
Market Street, next door to the Bank.

**BANKERS.**  
P. Kinney & Co.,  
Front, half way between Market & Jefferson  
Dugan & Mackoy,  
East side of Market, 1 door from Front street

**INSURANCE COMPANIES**  
Portsmouth Insurance Company,  
Front, in J. Lodwick & Son's Store.

**DRY GOODS MERCHANTS.**  
Wm. Elden & Co.,  
East side Market, between Front & Second  
Lodwick & Son,  
No. 66 Front, above Jefferson.

**Wm. Wittcomber,**  
Front street, corner of the Alley above Market.

**DRUGS AND MEDICINES.**  
J. L. M'Vey & Co.,  
Front, 53 Flaxseed Row.  
Shackelford & Crichton,  
Front, below Jefferson.

**Dr. J. Corson,**  
No. 3, Front Street, above Market.

**BOOKSELLER AND STATIONER.**  
S. Wells,  
Front, one door below Court.

**WATCHMAKER & JEWELLER.**  
John Clugston,  
Front, one door above Kinney's.

**FURNITURE WAREHOUSES.**  
J. B. & S. P. Nickels,  
West side Market, between Front & Second  
Benjamin Wilson,  
No. 1, Jefferson street.

**MERCHANT TAILORS.**  
A. C. Davis,  
Front Street, below U. S. Hotel.  
Miller & Elms,  
Corner of Front and Jefferson.

**BOOTS & SHOES.**  
M. Kehoe,  
Front, two doors below Jefferson.

**HATS AND CAPS.**  
D. Wolfard,  
Front street, one door below Franklin House

**HOUSE AND SIGN PAINTER.**  
J. M. Teagarden,  
Over No. 3, Jefferson street.

**JOB PRINTING**  
AT THE  
**INQUIRER OFFICE.**

HAVING recently procured an Extensive and Splendid Assortment of  
**FANCY AND JOB TYPE.**  
We are prepared to execute in the neatest manner and at short notice, all kinds of  
SHOW BILLS, BALL TICKETS,  
HAND BILLS, BUSINESS CARDS,  
HEAD BILLS, VISITING CARDS,  
LABELS, CIRCULARS, &c.

With a new and beautiful font of  
Type.

Send also one of Secretary Type, we are prepared to execute all kinds of Legal and Business Blanks.

We shall always keep on hand a full assortment of Land conveyances, Bills of Lading, Promissory notes, &c., got up after the most approved form, which we will sell by the single sheet or quire, at prices for the most part, as low as they can be procured in Cincinnati. Having been at considerable expense, from a desire to have the above named kinds of work executed as well in our town as they can be in larger places, we hope to receive a liberal share of public patronage.

**P. H. MURRAY & Co.**  
Wholesale and Retail Dealers in  
Stoves, Grates, Castings and Hollow-ware.  
Manufacturers of  
Copper, Zinc, Sheet-iron, and Tin-ware,  
WEST SIDE OF MARKET STREET,  
PORTSMOUTH, OHIO.

We invite Country merchants, Farmers, men, and citizens generally, to call and examine our stock. All orders promptly attended to. Job Work executed with neatness and dispatch.  
Portsmouth, Sept. 15, '49.—24wtf.

**JNO. McDOWELL Jr.,**  
Commission and Forwarding  
MERCHANT,  
NEW ORLEANS.

**Land Office Agency.**  
PERSONS wishing to enter land at the Land Office in Chillicothe, O., can have attended to, and save both time and money by calling on,  
**DUGAN & MACKOY,**  
Farmers' and Mechanics' Exchange,  
Portsmouth, Nov. 27, '49.—24tf.

**CINCINNATI HOTEL.**  
ISAAC MARCHANT, B. T. MORRIS.

**MARCHANT & MORRIS,**  
Proprietors,  
SUCCESSIONS to G. W. H. EVANS, corner of Broadway and Front streets, immediately opposite the steamboat landing, and opposite the Railroad Office, Cincinnati, Ohio.

The house having undergone a thorough repair, the proprietors are prepared and determined to accommodate the travelling public in a satisfactory manner.  
April 27, '50.

## LAW OF OHIO.

PUBLISHED BY AUTHORITY.

### AN ACT

For the government of the Ohio Lunatic Asylum, and the care of Idiots and the Insane.

I. APPOINTING POWERS AND DUTIES OF OFFICERS.

Sec. 1. Be it enacted by the General Assembly of the State of Ohio, That there shall be a president, and six other directors of the Ohio Lunatic Asylum; they shall be appointed by joint resolution of the General Assembly, and shall serve six years, and until their successors are appointed. When a vacancy occurs during a recess of the General Assembly, it shall be filled by the governor. The person so appointed shall serve until an appointment is made by the General Assembly. The person appointed by the General Assembly shall serve out the residue of the term of the person holding the appointment when the vacancy occurred. The present directors shall serve out their respective terms.

Sec. 2. The directors shall appoint a superintendent, a senior and junior assistant physician, a steward, a matron, and such other principal officers as they may deem necessary; they shall fix all salaries, except as may be otherwise provided by law; they shall prescribe rules, regulations and by-laws, for the government of the institution, and shall exercise such control over its government and management as they may think proper.

Sec. 3. The president of the board of directors shall have a general visitatorial and advisory power in the affairs of the institution, and shall receive such compensation for his services as the board of directors may determine. One of the directors shall visit the institution monthly; a majority of them shall visit it together semi-annually; and the whole board shall make at least one such visit during the year. An annual meeting of the board shall be held on the third Tuesday of November.

Sec. 4. The directors shall keep a full account of their proceedings, in a book to be provided for that purpose. Such reports shall be made to them, by the officers of the institution, as they shall from time to time require. The superintendent and treasurer shall each make a full report to them, at their annual meeting. The directors, at that meeting shall make a full report to the General Assembly. The annual report of the superintendent, and of the treasurer, shall accompany the report of the directors.

Sec. 5. The directors may take and hold in trust any lands conveyed or devised, and any money or other personal effects, given or bequeathed, to be applied to any purpose connected with the institution.

Sec. 6. The directors shall be repaid any expenses actually incurred by them in the performance of the duties of their appointment. Such payment shall be made out of the State treasury, upon the warrant of the Auditor of State, and, excepting the president, shall receive no other compensation.

Sec. 7. The Treasurer of State shall be the treasurer of the asylum, and shall collect all debts due thereto. For any misfeasance, malfeasance or nonfeasance, he and his sureties shall be liable, as in other cases. He shall receive, for his services, an annual salary of \$100 to be paid out of the State treasury, upon the warrant of the Auditor of State.

Sec. 8. The superintendent shall be the chief executive officer of the institution, and shall have the care and control of everything connected therewith. He shall employ such attendants, assistants, nurses, servants and other persons, as he may think proper, and may at pleasure discharge them. In all things, however, he shall be subject to the direction and control of the board of directors.

Sec. 9. The superintendent shall be a physician, and a person of acknowledged skill and ability in his profession. He shall not attend to any other business, nor engage in the practice of his profession, out of the institution. He shall not be subpoenaed in any criminal case, unless the court, or in vacation a judge thereof, shall make a special order that a subpoena issue; and, in such case, a memorandum of such order shall be endorsed upon the subpoena.

Sec. 10. All persons employed in the asylum, while so employed, shall be exempt from serving on juries, from working on the highways, and, in time of peace, from serving in the militia; and the certificate of the superintendent, under his official seal, shall be sufficient evidence of such employment.

Sec. 11. The salaries of officers of the asylum fixed by law, shall be paid quarterly out of the State treasury, upon the warrant of the Auditor of State.

II. ADMISSION OF PAY PATIENTS, &c.

Sec. 12. Before any person shall be received into the institution as a pay patient, there shall be produced to the superintendent—

1. The treasurer's receipt for the payment of at least one month's charge in advance.

2. A sufficient obligation, conditioned as hereinafter required.

III. A certificate from some respectable physician, setting forth—

1. That the patient is free from any infectious disease, and from vermin.

2. The age of the patient, and a concise history of the case.

3. The duration of the disease, dating from the first symptoms.

4. The supposed exciting cause of the disease.

5. Whether the disease is hereditary.

6. Whether the patient has been subject to epilepsy.

7. Whether the patient has made any attempt to commit any violence upon himself, or others.

8. The medical treatment pursued in the case, and any other circumstances known to the physician, tending to throw further light upon the subject.

Witness our hands and seals, this — day of — A. D., 18—

Sec. 13. If there shall be a balance in the treasury of the institution to the credit of a patient removed from the asylum, the treasurer shall pay it to the person authorized to receive the same.

Sec. 14. If the clerk of the court of common pleas of the proper county shall transmit to the superintendent a certificate, under his official seal, setting forth that any patient in the asylum is in needy circumstances, within the meaning of this act, upon the receipt of such certificate by the superintendent, such person shall be a State patient.

III. ADMISSION OF STATE PATIENTS, &c.

Sec. 15. For the admission of State patients, the following proceedings shall be had: Some citizen residing in the proper county, shall file with a justice of the peace of such county, a statement, in writing, which shall be substantially as follows: The undersigned, a citizen of the State of Ohio, residing in said county, hereby states as follows:—[naming the person] is insane. His insanity is of less than two years' duration, [or his being at large is dangerous to the safety of the community]; he is in needy circumstances, and has a legal settlement in — township, in this county, and an inhabitant of the State of Ohio. These facts can be proved by —, and —, [naming at least two persons, one of whom shall be a respectable physician.] Dated this — day of —, A. D. —

2. The justice shall thereupon issue subpoenas for the persons named as witnesses, and such other persons as he may think proper, commanding them to appear before him at a specified time, to testify concerning the facts set forth in said statement. Subpoenas may also be issued for witnesses in behalf of the person alleged to be insane.

3. Before the time specified for the appearance of the witnesses, the justice, with some other justice of the vicinity and of the same county, shall visit the person alleged to be insane.

4. At the time appointed, (unless the investigation shall be adjourned over to some other time,) the said justices shall proceed to examine the witnesses in attendance. At least one of the witnesses examined shall be a respectable physician.

Sec. 16. If, after such visit and inquest, the justices shall be satisfied of the truth of the facts set forth in the statement, they shall require the medical witness forthwith to make out a certificate, such as is required for pay patients; the twelfth section of this act: they shall likewise, themselves, forthwith make out a bill of the costs of this inquest, as fixed by this act, and also a certificate, which shall be substantially as follows: The State of Ohio, — county, ss.

The undersigned, justices of the peace in and for the county aforesaid, hereby certify that we have visited —, of said county, a person alleged to be insane, and have this day held an inquest in regard to him, according to law. We are satisfied that he is insane; that he has a legal settlement in — township, in this county, and is a citizen of the State of Ohio; that he is a fit subject to be sent to the Ohio Lunatic Asylum, to undergo treatment therein; that he is in needy circumstances, within the meaning of this act relating to idiots and lunatics; and that his disease is of less than two years' duration; [if the disease has continued longer than two years, omit the words "less than two years' duration," and insert the following in their place: more than two years' duration; but we are well satisfied that his being at large would be dangerous to the safety of the community.]

Witness our hands, this — day of — A. D. —

A. B. C. D.

Sec. 17. If, after such visit and inquest, the justices shall not be satisfied of the existence of either of the facts necessary to be certified, to entitle the person alleged to be insane to admission into the asylum, they shall make out a certificate in the same form with that required by the preceding section of this act; setting forth the necessary facts of which they are satisfied, and the necessary fact or facts which are not established to their satisfaction. The medical witness shall also make out a certificate, as above required.

Sec. 18. Immediately after the inquest, the justices shall transmit to the clerk of the court of common pleas of such county, the said statement, in writing, the bill of costs, their certificate, and that of the medical witness. The clerk shall label, file, and carefully preserve the same.

Sec. 19. The justice with whom the statement is filed, shall make a docket entry of the proceedings.

Sec. 20. The clerk of the court of common pleas, upon receiving the certificate of the two justices and of the medical witness, made out according to the sixteenth section of this act, shall forthwith apply to the superintendent for the admission of such person into the asylum. He shall at the same time transmit copies, under his official seal, of said certificates. Upon receiving the application, and said certificates, the superintendent shall immediately advise the clerk whether the patient can be received, and if so, at what time. The clerk shall thereupon, in due season for the conveyance of such person to the asylum by the time appointed, issue his warrant to the sheriff, or any other suitable person, commanding him forthwith to arrest such insane person and convey him to the Ohio Lunatic Asylum. If the clerk is satisfied of its necessity, he may authorize one or more assistants to be employed. Said warrant shall be substantially as follows: The State of Ohio, — county, ss.

Office of the Clerk of the Court of Common Pleas.

Whereas all the proceedings necessary to entitle — to be admitted into the Ohio Lunatic Asylum as a State patient, have been had according to law, you are hereby commanded forthwith to arrest said person and convey him to said asylum; (and, you are hereby authorized to take your assistants, if deemed necessary by you.) After executing this warrant, you shall make due return thereon to this office. Witness my hand and seal of office, this — day of — A. D. — Clerk.

Upon receiving said patient, the superintendent shall endorse upon said warrant a receipt, substantially as follows: Ohio Lunatic Asylum.

A. D. —

Received this day of — the patient named in the within warrant.

This warrant, with the receipt thereon, shall be returned to the clerk who issued the same, and shall be filed by him with the other papers relating to the case: Provided that in all cases, the relatives of the insane person shall have a right, if they choose, to convey him to the asylum. In such case, the warrant shall be directed to, and the person to whom it is directed, and his assistants, shall, if demanded, receive the same compensation allowed for the like services in other cases: Provided; also, that if the medical witness shall not state, in his certificate, that the patient is free from any infectious disease and from vermin, it shall not be the duty of the clerk to apply to the superintendent, as hereinbefore provided.

Sec. 21. When the two justices shall certify everything necessary to entitle the person alleged to be insane, to admission into the asylum, except that he is in needy circumstances, within the meaning of this act, further proof may be made upon that subject before the clerk, and if the clerk shall become satisfied that such person is in needy circumstances, within the meaning of this act, he shall make out a certificate to that effect under his official seal, and forward it to the superintendent, with copies of the certificate of the justices and of the medical witness; and thereupon the same proceedings shall be had in all respects as if this fact had been originally certified by the two justices: Provided, that if at any time before the patient is sent to the asylum, a sufficient bond be executed to the State of Ohio, to be approved by the clerk, for the safe keeping and support of the patient, he shall be delivered to his friends; and all proceedings in the case shall thereupon cease. If, however, the condition of the bond be broken, the clerk may thereupon issue his warrant for the conveyance of the patient to the asylum, as if the bond had not been executed.

Sec. 22. When a State patient is sent to the asylum, it shall be the duty of the clerk to see that the patient is supplied with the proper clothing; and, if not otherwise furnished, the clerk shall purchase it, and in such case the same shall be paid for, upon the certificate of the clerk and the order of the county auditor, out of the county treasury.

For a male patient, such clothing shall be as follows:—A coat, vest, and two pair of pantaloons, all of woolen cloth; two pairs of woolen socks, two pocket handkerchiefs, a black stock or handkerchief for the neck, a good hat of fur or silk, (or comfortable cap,) a pair of shoes or boots, and at least two cotton shirts, and such outside garment as will sufficiently protect him in severe weather.

For a female patient, such clothing shall be as follows:—Two substantial gowns or dresses, two flannel petticoats, two pairs of woolen stockings, one pair of shoes, two handkerchiefs, a decent bonnet, at least two cotton chemises, and a large comfortable shawl or cloak.

In both cases, the articles of clothing shall be new, or as good as new, and the woollens of a dark color. Such clothing shall be delivered in good order, with the patient, to the superintendent; and, without such clothing, the superintendent shall not be bound to receive the patient.

Sec. 23. If the clerk shall neglect to issue and deliver to the proper person a warrant for the conveyance of the patient to the asylum, as hereinbefore required, or if the person to whom the warrant is directed shall not, within fifteen days after the receipt thereof, deliver the patient at the asylum, the clerk or person so offending, shall forfeit the sum of fifty dollars, to be recovered with costs, in an action of debt, in the name of the superintendent, for the use of such patient. And if any insane person shall be conveyed to the asylum before the superintendent shall have given notice that he can be received as hereinbefore provided, no fees or compensation whatever shall be paid to those by whom he was conveyed.

Sec. 24. If any person conveying a patient to the asylum, under the provisions of this act, shall convey such patient in company with criminals going to the penitentiary, or shall suffer such patient to drink ardent spirits, the person so conveying him and his assistants, shall forfeit all claim to the compensation allowed them by this act.

Sec. 25. If the clerk of the court of common pleas shall transmit to the superintendent a certificate, under his official seal, setting forth that any state patient in the asylum from his county is no longer in needy circumstances, within the meaning of this act, after the receipt of this certificate, the patient shall be a pay-patient; and in such cases charges shall be made out and paid, and a bond shall be required, as in other cases of pay-patients.

Sec. 26. If, according to the result of the inquest, by two justices, the patient shall be entitled to admission into the asylum, the clerk shall direct how he shall be taken care of, until he can be admitted, and if necessary, may direct his confinement in the county poor house or county jail, as he may deem best; and if all things needful be not otherwise supplied, he shall furnish them; and, in such case, the same shall be paid for out of the county treasury, on the certificate of the clerk and the order of the county auditor.

Sec. 27. No idiot or lunatic, sent to the county jail, shall, if it can be avoided, be confined in the same room with a person charged with or convicted of crime.

Sec. 28. When an idiot or a lunatic not entitled to admission into the asylum as a state patient, shall be at large, and this being so at large, shall be attended with danger to himself or others; upon such fact being established by the certificate of two justices of the peace of the county, or the affidavit of some respectable citizen of the county, filed with the clerk of the court of common pleas; the clerk shall thereupon order such idiot or lunatic to be confined and provided for as directed by the twenty-sixth section of this act, and all costs and charges shall be paid as directed in said section: Provided, that if such idiot or lunatic, be not in needy circumstances within the meaning of this act, such costs and charges shall be repaid out of his estate, and may be recovered by suit in the name of the county commissioners upon the common counts; and in such case no evidence shall be necessary to the certificate of the clerk, under his official seal, setting forth the particulars and amount of such charges, and that the same have been paid out of the county treasury.

Sec. 29. When any person shall be committed to the asylum, under the order of the clerk, and the attending physician shall certify that he is not insane, or that he is no longer necessary to be confined, or if a

conditioned for his keeping and support, the clerk shall thereupon order him to be discharged, or to be delivered to his friends as the case may be, and where an idiot or lunatic shall be so confined, he shall not be discharged or removed, except upon the order or warrant of the clerk, as hereinbefore mentioned: Provided, that nothing herein contained shall be so construed as to deprive the person so confined, of the benefit of the writ of habeas corpus.

Sec. 30. Any patient may be discharged from the asylum, upon the application of the superintendent to one of the directors, an such director's order thereupon. Incurable and harmless patients shall be discharged, whenever such discharge is necessary to make room for a recent case from the same county.

Sec. 31. Whenever an order shall be made out for the removal of a State patient from the asylum, the superintendent shall immediately give notice thereof, under his official seal, to the clerk of the court of common pleas of the county from which such patient was sent, and thereupon such clerk shall forthwith issue his warrant to the sheriff of said county, which warrant shall be substantially, as follows: The State of Ohio, — county, ss.

Clerk of the office of the Court of Common Pleas. Whereas, the proper authority has directed that —, a patient in the Ohio Lunatic Asylum, from this county, be removed from said asylum; you are therefore hereby commanded forthwith to remove said patient, and return him to — township, in this county, where he had a legal settlement when he was taken to said asylum. Witness my hand and seal of office, this — day of —, A. D. —

Immediately upon receiving such warrant, it shall be the duty of the sheriff, by himself or deputy, forthwith to execute the same and return it to the clerk by whom it was issued; and if any clerk upon receiving such notice, shall refuse or neglect for the space of five days to issue and place such warrant in the hands of the sheriff, or if such sheriff shall refuse to receive the same, or shall neglect for the space of twenty days after receiving the warrant, to demand such patient of the superintendent, the patient shall be charged from the date of the notice to the clerk until his removal, at the same rates as pay patients, and the amount of such charges may be recovered in an action of assumpsit upon the common counts, with costs of suit in the name of the superintendent, against the clerk or sheriff so offending.

Sec. 32. When a State patient is discharged as cured, the superintendent may furnish him with suitable clothing, and a sum of money not exceeding twenty dollars if he deem it necessary.

Sec. 33. No idiot shall be admitted into the asylum, and every such patient therein shall be discharged, and no lunatic under the age of seven years shall be admitted.

Sec. 34. If application shall be made for the admission of more patients than the institution can receive, a selection shall be made as follows: 1st. Recent cases, (i. e.) where the disease is of less than one year's duration, shall have the preference over all others in the same county.

2d. Chronic cases, (i. e.) where the disease is of more than one year's duration, presenting the most favorable prospect of recovery, shall be next preferred.

3d. Those for whom applications have been longest on file, other things being equal, shall be next preferred.

4th. No county shall have in the institution more than its just proportion according to its population.

5th. No distinction shall be made between pay patients and State patients.

Sec. 35. Pauper idiots and lunatics, not within the provisions of this act, and those discharged from the asylum, shall be provided for in the same manner as other poor.

Sec. 36. When any State patient discharged from the asylum as cured, shall again become insane, any respectable physician may file with the clerk of the court of common pleas, a certificate, setting forth the recurrence of the disease; and such facts and suggestions relating thereto, as he may deem material; upon receiving such certificate, the clerk shall immediately transmit a copy thereof, authenticated by his official seal to the superintendent, and thereupon the same proceedings shall be had in all respects as when the certificate of the justice holding the inquest was transmitted.

Sec. 37. When any person shall be confined as insane, a writ of habeas corpus may be issued as in other cases, for his discharge, and the question of insanity shall be decided at the hearing: Provided, that if the judge shall decide that the person is insane, the decision shall be no bar to the issuing of another writ, whenever it shall be alleged that such person has since been restored to reason.

IV. OF GUARDIANS OF IDIOTS AND LUNATICS.

Sec. 38. The court of common pleas at any general or special term, and upon satisfactory proof that any person resident of the county, or having a settlement in any township thereof, is an idiot or lunatic, may appoint a guardian for such idiot or lunatic.

Sec. 39. Such guardian shall, by virtue of such appointment, be the guardian of the minor children of his ward, unless the court appoint some other person as their guardian.

Sec. 40. All laws relating to guardians for minors and their wards, and all laws pointing out the duties, rights and liabilities of such guardians and their sureties, in force for the time being, shall be applicable to guardians for idiots and lunatics and their children, so far as the same are in conformity with the provisions of this act.

Sec. 41. Such guardian may sue in his own name, describing himself as guardian of the ward for whom he sues, and when his guardianship shall cease by his death, removal or otherwise, or by the decision of his ward, any suit, action or proceeding then pending, shall not abate, but his successor, as guardian, or such idiot or lunatic, if he be restored to his reason,